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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/830,496

08/07/2001

Oded Anner

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TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

SCOTT JR, LEON

ART UNIT

PAPER NUMBER

2828

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/830,496

Applicant(s)

ANNER ET AL.

Examiner

Leon Scott, Jr.

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-27 and 36 is/are rejected.
- 7) ☒ Claim(s) 28-35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Leon Scott, Jr.  
Primary Examiner

Art Unit: 2828



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**The following is a quotation of the second paragraph of 35 U.S.C. 112:**

**The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.**

**Claims 1-26 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**in-line 2 of claim 3, the word "art" should read "an"; claim 3 is indefinite. In lines 4-6 of claims 1 and 24, it is not clear how the same mirror surface can *decrease the annular diameter* of the annular beam and *expanding the annular thickness* of the beam, claims 1 and 24 are indefinite and incomplete. Further in claim 1 it time the been a *surface* are located and since each of the mirrors of the resonant cavity has a surface . it cannot be determined from the language of the claim , where the first mirror surface is located; is it on the second mirror and where is the third mirror surface located is it on the first mirror ; claim 1 is indefinite and incomplete. In claim 9 , since nothing has been recited which would indicate that the mirror is a metal, it is difficult to determine how the mirror is grounded; claim 9 is indefinite and incomplete Claim 11 is incomplete in that the sentence is incomplete. In-line 6 of claim 21 the period after the word "a" is improper thus claim 21 is indefinite. Further in claim 21 is not clear how the first and second euros are machined on to the first and second mating surfaces; claim 21 is indefinite and incomplete. In claim 25 it is not clear how the second mirror**

Art Unit: 2828

structure can comprise a third mirror surface, claim 25 is indefinite and incomplete. In claim 36 it is not clear how the laser also comprises output coupler and since a laser inherently has an output coupler, it is not clear where this additional output coupler is located with respect to the laser as a whole; claim 36 is indefinite and incomplete.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Butenuth (3,730,333).

Butenuth ('333) disclose: a laser housing 11, being the electrically grounded first electrode of a capacitor, and of the second electrode consists of four spaced sectors 41 of a cylindrical aluminum ring, the inner surfaces 42 of which are segmental parts of a frusto-conical surface which rides the frusto-conical outer surface of an adjustment member or cam 43 of insulating material; member 43 is the developed end of a sleeve 44 which is coaxial to the laser tube 14. The sleeve 44 is a threaded spindle, having an outer thread 45 engaged to the inner thread of a ring 46 which is secured to laser housing 11 (see figs 2 and 3). Thus the annular coherent beam is inherent in the reference device. The RF power supply of the claim being coupled to the outer electrode reads on the high frequency source of the reference device (see figs. 2 and 3).

Claims 28-35 are objected to as depending from rejected claims.

**The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

**(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.**

**Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Butenuth (3,730,333), as applied above.**

**it would be obvious to one of ordinary skill in the art. given the teachings of Butenuth ('333) that the second electrode consists of four spaced sectors 41 of a cylindrical aluminum ring, thus given the teachings of using one high frequency power supply (RF), a plurality of high frequency power supplies would be obvious and would inherently provide a homogeneous power and voltage distribution throughout the cavity. Claim 27 is obvious.**

**Horiuchi et al is cited for its teachings of a high-frequency gas laser.**

**Von Borsbtel is cited for its teachings of a high frequency gas laser in**

**Zeller is cited for its teachings of a gas laser with cooled coaxial electrode tubes.**

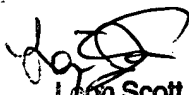
**Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon Scott, Jr. whose telephone number is 703-308-4884. The**

**Art Unit: 2828**

**examiner can normally be reached on Monday - Friday, 6:30am - 5:00pm.**

**If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul P. Ip can be reached on (703)308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.**

**Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3431.**

  
Leon Scott, Jr.  
**Leon Scott, Jr.**  
**Primary Examiner**  
**Art Unit 2828**

**lsjr**  
**May 3, 2004**